

Exhibit 1

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF DANIEL KIRBY

I, Daniel Kirby, depose and state as follows:

1. I am the Senior Risk Management Officer for Little League Baseball, Incorporated. Little League Baseball supports local baseball leagues for millions of children on six continents. I have been the Senior Risk Management Officer for over 10 years and have worked for Little League Baseball Incorporated for over 30 years. As Senior Risk Management Officer, I am charged with the important duty of addressing safety concerns with respect to Little League Baseball and Softball. As part of this responsibility, I am responsible for Little League's insurance policies, insurance claims and investigations. If sworn as a witness, I could testify competently to the facts contained herein.

2. Little League baseball players, which include more than 2.3 million players from ages 5-18, use metal and non-wood composite bats almost exclusively. This has been true for over 35 years. Little League has a secondary insurance policy that helps pay for medical care in the rare event of injuries to our players.

3. Little League Baseball has proven to be one of the safest sports for young athletes. The safety of the sport is reflected in the very minor amounts of secondary insurance claims that we see.

4. While injuries overall are low, injuries to pitchers due to balls struck off metal bats are extremely rare. In fact, Little League Baseball has actually experienced a substantial decrease in reports of injuries resulting from batted ball injuries to pitchers over the years.

5. The number of reported injuries to baseball pitchers decreased by 82% between 1992 and 2004, even as the number of participants in the baseball injury database decreased by only 4.8%. Our secondary insurance claim data show that in 1992, there were 145 reported

baseball injuries to pitchers from batted balls from a total of 2,192,541 participants. In 2004, there were only 26 such injuries from a total of 2,086,665 baseball participants.

6. Exhibit A sets forth the injury data Little League has collected in connection with claims under its secondary insurance policy. This data includes reported injuries to pitchers for which payments were made on Little League's policy.

7. While this data is limited to secondary insurance claims, it reliably reflects injury trends because there has been no change in claims procedures which would have altered the relationship between claims and injuries over time. The number of persons insured showed a slight decrease of 4.8%, while injuries substantially declined over the period. The exclusions and benefit terms were not reduced (and in some cases were enhanced) during this period.

8. Moreover, catastrophic injuries are extremely rare in Little League Baseball. Since Little League began keeping injury statistics in the 1960's (when only wood bats were used), there have been only six fatalities due to batted balls. Three incidents, which took place in 1963, 1968 and 1970 took place before non-wood bats became available in 1971, and thus were clearly off wood bats. It is not known whether the two fatalities that took place in 1971 and the single fatality that took place in 1973 were off wood or nonwood bats, as both were in use at the time. In comparison, since this time there have been six Little League fatalities resulting from lightning, and 57 fatalities relating to auto accidents associated with participants in our program. There has not been a single fatality reported to Little League caused by a batted ball from a metal bat since Little League adopted new metal bat standards in 1993. Nor have we been made aware of any such fatality since 1973.

9. Based on this data and other inquiries into the safety issue, Little League believes that the metal bats chosen by the roughly 2.3 million players in our organizations do not present a risk to safety.

10. Little League takes the safety of its players extremely seriously, and would be the first organization to respond if it believed there metal bats were unsafe.

I declare under penalty of perjury that the foregoing is true and correct.

This 24th day of MAY, 2007.

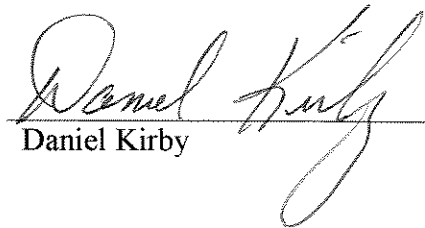
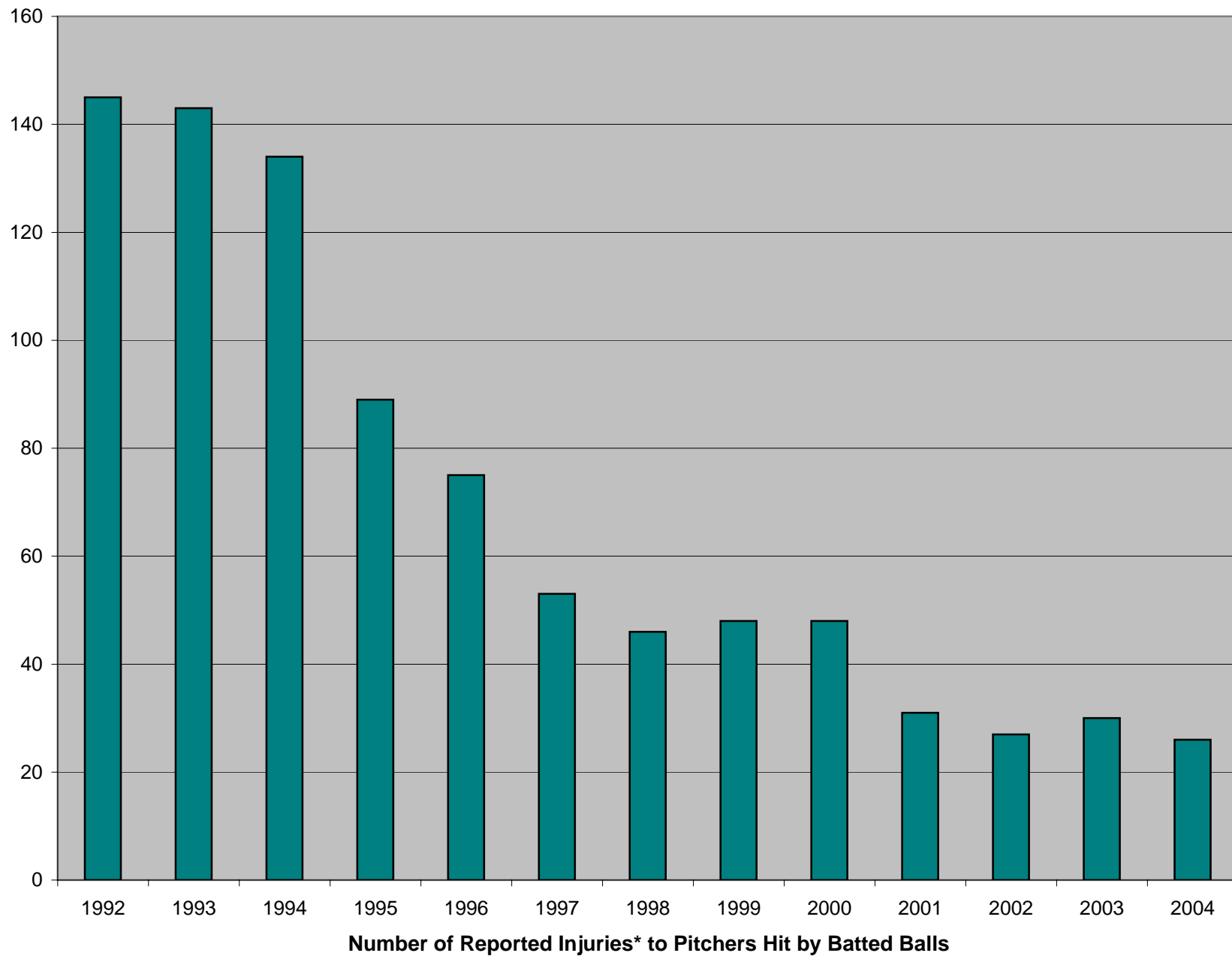

Daniel Kirby

Exhibit A

Youth Baseball Injuries Have Been Declining



Source: Little League Baseball Data (Reflecting more than 2.3 million participants in Little League, Senior League and Big League, ages 5-18)

* For which payments were made